



Appeal Decision

Site visit made on 3 May 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/P1560/W/18/3217198

Site adjacent Evergreen, Turnpike Close, Ardleigh, Colchester, Essex CO7 7QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs Alston against the decision of Tendring District Council.
 - The application Ref 18/01405/OUT, dated 21 August 2018, was refused by notice dated 17 October 2018.
 - The development proposed is two detached houses.
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Decision

1. The appeal is allowed and outline planning permission is granted for two detached houses at Site adjacent Evergreen, Turnpike Close, Ardleigh, Colchester, Essex CO7 7QW in accordance with the terms of the application, Ref 18/01405/OUT, dated 21 August 2018, and the plan submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. This is an outline application with all matters reserved. I have treated the proposed indicative layout in Drawing No TCA/1 as such.
3. An emerging plan, the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017), is currently under examination. It is not part of the adopted development plan. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (the Framework), I give them limited weight and they do not alter my conclusions.

Main Issue

4. The main issue in this appeal is whether the proposed development would be suitably located.

Reasons

5. The proposed dwellings would form part of a clearly-identifiable cluster of development along Turnpike Close and Ipswich Road and would not constitute isolated homes in the countryside for the purposes of the Framework.
6. The appeal site is around 1.7 miles from the settlement boundary of Ardleigh under the development plan, which describes the village as a smaller rural settlement with no defined village centre, employment centre or train station.

7. Notwithstanding the above, the appeal site is significantly closer to the market town of Colchester than Ardleigh and therefore I place strong weight on whether future occupiers of the proposed dwellings would be able to readily and sustainably access the substantial services and facilities available within the town. In this regard, I have taken into account decisions APP/P1560/W/17/3187651 and APP/P1560/W/16/3162850 which concerned proposals for residential development close to the appeal site before me.
8. Situated close to the A12/A120 road junction, the journey would be quick and straight-forward by motor vehicle and to a moderately lesser extent by cycle. There is an hourly bus service during the day between Colchester and Ipswich which could be accessed via a bus stop located within walking distance on Ipswich Road to the south of the junction. Although the busy and noisy junction would be an unattractive walking experience for some pedestrians, there is a segregated footway along Old Ipswich Road and formal crossings at the junction.
9. Instead of taking a bus, the journey on foot to Colchester town from the south of the junction would be less than a mile with good coverage of footways and street lighting. However, north of the junction there is limited street lighting on the route to the bus stop and town. Together with the broadly daytime operation of the bus service, this would largely restrict attractive travel options during hours of darkness to the use of private vehicles.
10. There would therefore be some harm in relation to access, through sustainable transport modes, to a comprehensive range of services and facilities available to future occupiers in Colchester. However, these would also be supplemented by closer albeit less comprehensive services. There are some shops, local businesses, the Crown Public House, the Crown Business Park and the Apex 12 Business Park adjacent to the A12/A120 junction. There would also be local employment opportunities associated with these sites, as there would with the Lodge Park Business Centre which is closer still to the appeal site.
11. Taking all into account, and for the reasons I have given, there would be limited harm through the location of the proposed dwellings. The proposal, being situated outside defined settlement development boundaries would be in conflict with Saved Policy QL1 of the Tendring District Local Plan 2007 (LP) which sets out the spatial strategy for Tendring to 2011. However, this policy is several years beyond its defined period of implementation and out-of-date. Therefore, I give the proposal's conflict with it very limited weight.

Other Matters

12. The occupier of a neighbouring dwelling has raised concerns as regards loss of privacy and light due to the proposed development. However, the application is in outline form and there is sufficient space available on the site to provide a development that, through the submission of a reserved matters application, could achieve an internal layout and separation distances that would satisfactorily address concerns.
13. The appeal site falls within a Zone of Influence in respect to the Stour Estuary Special Protection Area (SPA) and Ramsar site which has been identified for its importance as a habitat supporting certain protected species. Within the Zone of Influence, an assessment has concluded that visitor pressure associated from new housing development is likely to have a significant effect (either

alone or in combination with other schemes) on the SPA/Ramsar site unless it is properly mitigated. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) has identified a series of habitat management measures and advises that a tariff of £122.30 per dwelling would fund these measures.

14. A signed and dated unilateral undertaking has been submitted offering these contributions and the Council has agreed that the terms of this are acceptable. Even the visits generated by one dwelling would be likely to have an incremental impact on the SPA/Ramsar site and in these circumstances the contribution would be necessary, directly related to the development and fair and reasonable in scale and kind. The mitigation strategy does not comprise the provision of infrastructure and the contributions do not therefore conflict with the limit of five or more obligations towards an infrastructure project. I am therefore satisfied that the proposed contributions would be both necessary and legitimate in this case.

Planning Balance and Conclusion

15. The parties are in agreement that the Council cannot demonstrate a 5-year housing land supply. In addition, Saved Policy QL1 of the LP as the policy most important in determining the application is out-of-date. Therefore the tilted balance in Paragraph 11d) of the Framework is engaged. This states that planning permission should be granted unless the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
16. The Council has said that the housing shortfall is relatively modest when calculated using the standard method in the Framework and that actual housing need is lower when calculated otherwise, taking into account the district's particular demographics. I have taken into account APP/P1560/W/18/3196412 which the Council uses in support of this position.
17. The proposed development would deliver 2 homes which would be a benefit of the appeal scheme given the Framework's aim to make a more efficient use of land and significantly boost the supply of housing, which the Council are currently not achieving due to failure to provide a 5-year supply. The proposal would also create economic benefits during construction and through local spending by the new occupiers. Overall, the benefits of the proposal are matters of significant weight in favour of the development.
18. For the reasons I have given, there would be limited harm caused by the location of the proposal. Even were I to find that the housing shortfall was as modest as stated as the Council, the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole.
19. I conclude that the appeal should be allowed with conditions. The proposed development would not accord with the development plan as a whole due to its conflict with Saved Policy QL1 but there are other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should succeed.
20. I have imposed standard conditions relating to the submission and timing of reserved matter applications and the commencement of development. The

Council has suggested some highways-related conditions but these can be further considered and, where appropriate, imposed at reserved matters stage when details of access and other matters are determined.

21. I have added a condition suggested by the Council, which meets the 6 tests of the Planning Practice Guidance, for bicycle storage facilities to be approved by the Council in order to promote sustainable transport modes.

Andrew Walker

INSPECTOR

Schedule of conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.